

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Samuel J. Caldwell,
Plaintiff,

Case No. 3:19cv1909

v.

ORDER

Andrew Saul,
Commissioner of Social Security,

Defendant.

This is an appeal from the denial of Social Security benefits. The Honorable Magistrate Judge James R. Knepp, II¹ has issued a Report and Recommendation, recommending that I deny the appeal. (Doc.16). Plaintiff, Samuel J. Caldwell, has filed objections (Doc. 17), and the Commissioner has elected to rest on his previously-filed brief (Doc 18 (citing Doc. 14)).

For the following reasons, I overrule Mr. Caldwell's objections and I approve and adopt Judge Knepp's Report and Recommendation.

Discussion

Mr. Caldwell argues that the Administrative Law Judge ("ALJ") "discredited all of the mental health expert opinion in favor of her own interpretation of the record." (Doc. 17, pgID 3470). That statement is not accurate. The record contains three medical opinions regarding Mr. Caldwell's mental-health impairment; none by a treating physician. The ALJ, in fact, gave one of the agency's physician's opinion "significant weight." What Mr. Caldwell actually disputes is

¹ Between the time Judge Knepp issued his Report and Recommendation and the present, Judge Knepp has been confirmed and invested as a district judge in this District.

the ALJ's decision not to adopt the more severe limitations stated in the opinion of a consulting examiner, Dr. Patrick.

As Judge Knepp noted, the ALJ explained at great length her reasons for discounting Dr. Patrick's opinion that Mr. Caldwell suffered from marked mental limitations. (Doc. 16, pgID 3460-65). She did so primarily because she found the severe limitations about which Dr. Patrick opined that Mr. Caldwell was subject in his abilities to handle work-related stress and to interact with coworkers or the general public were inconsistent with the evidence of record.

The ALJ noted that Mr. Caldwell had successfully trained and then worked for several years as a welder and as a forklift driver. She found that his ability to perform these professions reflected a higher degree of mental functioning than Dr. Patrick's opinion would permit. She also noted that Mr. Caldwell's activities of daily living regularly involved being in the presence of and interacting with others. His various treatment providers consistently found him cooperative and he testified that he got along "ok" with authority figures as well as with his mother and a friend.

The following statement in Mr. Caldwell's brief identifies both the crux of his argument, and the argument's fatal flaw:

While the Magistrate Judge points to treatment notes that document some normal findings, the Magistrate Judge also points to evidence that also demonstrates depression and anxiety, a flat affect, pressured speech, demanding attitude, questionable insight and judgment, a labile and irritable affect, and a tearful affect.

(Doc. 17, pgID 3743).

The ALJ, rather than a court is the fact-finder in social security cases. My review is limited to determining whether the ALJ reached a conclusion that is supported by substantial evidence of record. *Howard v. Comm'r of Soc. Sec.*, 276 F.3d 235, 237 (6th Cir. 2002); *see*

also 42 U.S.C. § 405(g) (providing that “the findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive”).

On review, I “must defer to an agency’s decision ‘even if there is substantial evidence in the record that would have supported an opposite conclusion, so long as substantial evidence supports the conclusion reached by the ALJ.’” *Jones v. Comm’r of Soc. Sec.*, 336 F.3d 469, 475 (6th Cir. 2003) (quoting *Key v. Callahan*, 109 F.3d 270, 273 (6th Cir.1997)).

As Judge Knepp explained at length, (Doc. 16, pgID 3460-65), while there is evidence in the record that potentially could lead a factfinder to rule in Mr. Caldwell’s favor, the record also contains substantial evidence to support the ALJ’s decision. That evidence included Mr. Caldwell’s daily activities and work history. It also included the records of numerous mental status examinations that revealed depressed mood or affect but that also demonstrated that his cognitive faculties were within normal limits.

The fact that Mr. Caldwell can also find evidence in the record to support his claim does not provide a basis to overturn the ALJ’s decision. *Bass v. McMahon*, 499 F.3d 506, 509 (6th Cir. 2007); *Jones, supra*, 336 F.3d at 475.

I am satisfied that substantial evidence supported the ALJ’s decision.

It is therefore

ORDERED THAT:

- 1) Plaintiff’s objections to the Report and Recommendation (Doc. 17) be, and the same hereby are, overruled;
- 2) The Report and Recommendation (Doc. 16) be, and the same hereby is, approved and adopted;
- 3) Plaintiffs request for review be, and the same hereby is, denied with prejudice; and

4) The Clerk shall mark this matter closed.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge